

## **REMARKS**

Applicant is in receipt of the Office Action mailed January 15, 2004.

Applicant has canceled claims 33 – 54 and presents new claims 71 – 88. New independent claim 71 incorporates the subject matter of claims 33 and 37, and new independent claim 80 incorporates the subject matter of claims 33 and 42. In each of claims 71 and 80, claim language referring to “receiv[ing] user input changing data associated with the GUI element” was removed since each of these claims states that the GUI element receives data from the data source, and hence Applicant does not believe that this language made sense in the context of the claim. Applicant submits new claims 71-88 are allowable based on the allowable subject matter indicated for claims 37, 38, 39, and 42.

Applicant has amended claims 1, 55 and 68 in a manner which Applicant believes incorporates the allowable subject matter indicated in one or more of claims 37, 38, 39, and 42. Applicant has also amended claims 5, 6, and 8 to clarify the claimed invention. Thus, Applicant submits that these claims, as amended, are allowable.

In addition to the above, Applicant submits the following arguments to further explain why claims 1-8, 10-17, 19-21, 55, and 68-88 are patentably distinguishable over the cited art:

In the Office Action, the Examiner asserted that it would have been obvious to combine Risburg and Nawaz, and that such a combination produces Applicant’s invention as claimed. Applicant respectfully disagrees.

Amended claim 1 recites:

1. A method for configuring a graphical user interface (GUI) element to publish and subscribe to a data target and data source, respectively, the method comprising:

displaying the GUI element on a display of a first computer system;

receiving user input specifying a data source and a data target with which to associate the GUI element, wherein the data source is located remotely from the first computer system and is coupled to the first computer system over a network, wherein the data source is specified using a URL;

in response to said receiving user input, automatically configuring the GUI element to perform: 1) connecting to the data source and receiving and displaying data from the data source; and 2) publishing the data to the data target.

As the Examiner is certainly aware, To establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. In re Bond, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990).

As held by the U.S. Court of Appeals for the Federal Circuit in Ecolochem Inc. v. Southern California Edison Co., an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis.

In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular . . . . Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” In re Dembiczak, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination.

Applicant submits that there is not teaching or suggestion to combine in either Risburg or Nawaz, and that even if the two were combined, the result would not read on Applicant’s invention as claimed.

Applicant submits that while Nawaz does describe user specification of data sources for the GUI, Nawaz specifically does not teach user specification of data targets for publishing the data from the data source (where the data is also displayed on the GUI). Rather, Nawaz teaches user specification of targets for posted *messages*., specifically, specifying people by building, or category, such as job function, e.g., program manager, etc. For example, in the cited Figure 6 of Nawaz, and described in column 11, fields are provided for specifying people, evidently within the user's business or organization, as well as a field for entering the message to be posted, labeled "Posting Text". The posted messages are then inserted into the ticker display of the GUI on the workstations of the specified recipients (people).

Applicant notes that the targets specified for receipt of the posted messages are the workstations of specified people, or categories of people, in the organization or business. In contrast, as stated in the present Application on page 5, line 27 through page 6, line 5, "sources/targets include: files, HTTP servers, FTP servers, OPC servers, SNMP servers, and a type of server referred to herein as a "DataSocket" server. In other embodiments, any of various other data source/target types may be supported." Thus, the targets of Nawaz are specified by user or user category, not by a URL or other resource designation.

Applicant further notes that the examples of the posted messages provided by Nawaz are messages from and to employees, such as "Tan Volkswagen, license plate number CSN 82H left headlights on", "meeting in 5 minutes", "meeting at 3:00", as well as system-related messages, such as, "hard drive full", "low memory warning", "incoming e-mail", and "print job completed". Nawaz does not mention posting or publishing (ticker) data to user specified targets. Nowhere does Nawaz teach or describe posting or publishing data received from a user specified data source to a user specified data target.

Thus, Applicant respectfully submits that neither Risburg nor Nawaz, either singly or in combination, teaches or suggests Applicant's invention as claimed.

Applicant also asserts that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown

to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Thus, for at least the reasons provided above, Applicant submits that the presented claims are patentably distinct over the cited art, and are thus allowable, and respectfully requests that the section 102 and 103 rejections be removed.

## CONCLUSION

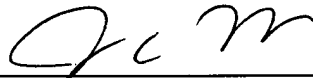
In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-47600/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Notice of Change of Address

Respectfully submitted,



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